

## ORDINANCE NO. 46-553

AN ORDINANCE AMENDING SECTIONS 11.97.020 AND 11.97.030 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO TOWING AND IMPOUND AND REPEALING THE ORIGINALS OF SAID SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 11.97.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**"Notice after impoundment.** (1) Whenever any motor vehicle is towed and impounded pursuant to the provisions of this code; notice, if possible, shall be given for vehicles registered in Kansas to the registered owner, addressed to the address as shown on the certificate of registration, and to the lienholder of record, if any, in the county in which the title shows the owner resides, that such vehicle has been towed and impounded, the reasons for the tow, how the vehicle may be recovered to include the right of hearing set out in 11.97.040, and that unless the owner or lienholder takes action within fifteen days from the date of the mailing of the notice, proceedings may be instituted to sell the vehicle at auction or otherwise dispose of the vehicle to cover any costs accrued as a result of the towing and impounding. Said notice shall be by written notice provided to the owner of the motor vehicle at the time the motor vehicle is towed, provided the officer providing such notice has obtained written acknowledgment of receipt of the notice. In addition, said notice may be made by certified mail with return receipt requested. Notice by certified mail shall be mailed to the owner of vehicles displaying Kansas registration plates no later than close of business of

the third business day after the towing. The police department shall use reasonable diligence in determining the title or registered owner of the vehicle. If the vehicle towed is registered in another state or country or bears no registration plate, then the police department shall initiate prompt action to apprise the owner of the vehicle's location and potential disposition.

(2) Any motor vehicle which has been impounded as provided in this section for 30 days or more shall be disposed of in the following manner:

If such motor vehicle has displayed thereon a registration plate issued by the division of vehicles and has been registered with the division, the public agency shall request verification from the division of vehicles of the last registered owner and any lienholders, if any. Such verification request shall be submitted to the division of vehicles not more than 30 days after such agency took possession of the vehicle. The public agency shall mail a notice by certified mail to the registered owner thereof, addressed to the address shown on the certificate of registration, and to the lienholder, if any, or record in the county in which the title show the owner resides, if registered in this state. The notice shall state that, if the owner or lienholder does not claim such motor vehicle and pay the removal and storage charges incurred by such public agency on it within 15 days from the date of the mailing of the notice, it will be sold at public auction to the highest bidder for cash. The notice shall be mailed within 10 days after receipt of verification of the last owner and any lienholders, if any, as provided in this subsection.

After 15 days from date of mailing notice, the public agency shall publish a notice once a week for two consecutive weeks in a newspaper of general circulation in the county where such motor vehicle was abandoned and left, which

notice shall describe the motor vehicle by name of maker, model, serial number, and owner, if known, and stating that it has been impounded by the public agency and that it will be sold at public auction to the highest bidder for cash if the owner thereof does not claim it within 10 days of the date of the second publication of the notice and pay the removal and storage charges, and publication costs incurred by the public agency. If the motor vehicle does not display a registration plate issued by the division of vehicles and is not registered with the division, the public agency after 30 days from the date of impoundment, shall request verification from the division of vehicles of the last registered owner and any lienholders, if any. Such verification request shall be submitted to the division of vehicles no more than 30 days after such agency took possession of the vehicle. The public agency shall mail a notice by certified mail to the registered owner thereof, addressed to the address as shown on the certificate of registration, and to the lienholder, if any, of record in the county in which the title shows the owner resides, if registered in this state. The notice shall state that if the owner or lienholder does not claim such motor vehicle and pay the removal and storage charges incurred by such public agency on it within 15 days from the date of the mailing of the notice, it will be sold at public auction to the highest bidder for cash. The notice shall be mailed within ten days after receipt of verification of the last owner and any lienholders, if any, as provided in this subsection. After 15 days from the date of mailing notice, the public agency shall publish a notice in a newspaper of general circulation in the county where such motor vehicle was abandoned and left, which notice shall describe the motor vehicle by name of maker, model, color and serial number and shall state that it has been impounded by said public agency and will be sold at public auction to the highest bidder for

cash, if the owner thereof does not claim it within 10 days of the date of the second publication of the notice and pay the removal charges incurred by the public agency.”

SECTION 2. Section 11.97.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**"Release procedures.** (A) All motor vehicles towed and impounded pursuant to the provisions of this code shall be surrendered to the owner subject to the provisions of subparagraph b herein, upon presentation of the following to the commercial or city tow service where the vehicle is impounded:

1. Proof of ownership of the vehicle by lawful title or other proof of lawful entitlement to the vehicle;
2. Proof of a driver's license or other valid photo identification; and
3. Proof of valid registration; and
4. Payment of all storage charges and towing fees incurred in the towing and impounding of the vehicle must be made prior to release of the vehicle unless otherwise relieved of that requirement by application of the hearing provisions set forth in this chapter.

B. Vehicles towed pursuant to Section 11.97.010(a)(10) shall be disposed of pursuant to the Kansas Standard Asset Seizure and Forfeiture Act, K.S.A. 60-4101 *et seq* and amendments thereto.”

SECTION 3. The originals of Sections 11.97.020 and 11.97.030 and of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 4. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 8<sup>th</sup> day of March,  
2005.

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Carlos Mayans, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf  
Director of Law